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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fifth session
Item 10 (a) of the provisional agenda

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

QUESTION OF THE HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Note by the Secretary-General concerning the submission of information pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in paragraph 1 of its resolution 7 (XXVII) of 20 August 1974, decided to review annually developments relating to the human rights of persons subjected to any form of detention or imprisonment, taking into account any reliably attested information from Governments, the specialized agencies, the regional intergovernmental organizations and the competent non-governmental organizations in consultative status with the Economic and Social Council. In paragraph 2 of that resolution the Sub-Commission requested the Secretary-General to transmit to it the information referred to in paragraph 1.

2. For its part, the Commission on Human Rights, in resolution 1987/33 of 10 March 1987, requested the Sub-Commission, in carrying out the review, to include in its consideration the work of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, the developments elsewhere in the human rights programme, and the activities within the United Nations programme on crime prevention and control bearing on the subject.

3. The Sub-Commission has since conducted an annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment and has established sessional working groups to assist in its review since the thirty-fourth session in 1981. The Secretary-General was requested to make information on these matters available to the Sub-Commission. The material received was transmitted to the Sub-Commission in the form of reports of the Secretary-General and a synopsis.

4. For the forty-fourth session and pursuant to the relevant resolutions, the Secretary-General transmitted letters dated 24 September 1991, by which he requested information from all States, the United Nations organs and specialized agencies, the regional intergovernmental organizations and the competent non-governmental organizations.

5. No reply has been received to those requests.

6. It will be recalled that the Working Group on Detention of the Sub-Commission, at its session in August 1991, considered the question of evaluation of the 1991 synopsis of material received from non-governmental organizations. The participants voiced concern at the small amount of information submitted. It was stated that in its present form the report was useless because the names of countries were not mentioned.

7. It was also emphasized that, in the absence of information, the synopsis was useless. Consequently, the two following solutions were suggested: either to stop issuing the report or to mention the names of the countries concerned and thereby to restore the usefulness of the document. The question was raised whether, should the latter solution be adopted, it would be possible to follow a similar approach to that used by the Special Rapporteur on the independence of the judiciary, i.e. information contained in the synopsis would be sent to the Governments concerned for their comments on the content and accuracy of the information provided.

8. The Working Group on Detention, at its last session in August 1992, discussed once more the question of the synopses of material provided by Governments, specialized agencies and non-governmental organizations in accordance with Sub-Commission resolution 7 (XXVII). In that connection, and in response to the request made by the Commission on Human Rights in paragraph 7 of its resolution 1992/31 of 28 February 1992, the Working Group proposed that the Sub-Commission should suspend consideration of this item and mandate the Working Group on the methods of work of the Sub-Commission to consider the best procedures to be followed and to formulate concrete proposals for the Secretary-General on the utility and format of his reports pursuant to Sub-Commission resolution 7 (XXVII). The Sub-Commission took no action on this proposal.

9. The attention of the Sub-Commission is therefore drawn to Commission on Human Rights resolution 1993/41 of 5 March 1993, by which the Commission reiterated its request to the Sub-Commission "to formulate concrete proposals to the Secretary-General regarding the utility and the format of his reports pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 on the question of the human rights of persons subjected to any form of detention or imprisonment" (para. 7).